

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

WNI 19-025650
LOGS Legal Group LLP
14000 Commerce Parkway, Suite B
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Elizabeth L. Wassall, Esq. 023211995
ATTORNEYS FOR WELLS FARGO BANK, N.A.

In Re:

MARC ROBERT HUECK AND CARESSÉ PATTY ANN
HUECK,
DEBTORS

Case No.: 19-12542-VFP

Judge: HONORABLE VINCENT F.
PAPALIA

Chapter: 13

NOTICE OF OBJECTION TO CONFIRMATION

The undersigned, LOGS Legal Group LLP, attorneys for the Secured Creditor, Wells Fargo Bank, N.A., the holder of a Mortgage on Debtors' property located at 38 Overlook Avenue, Little Falls, NJ 07424, *as more specifically outlined in the Secured Creditor's total debt Amended Proof of Claim 13-2 filed on October 8, 2020*, hereby objects to the Confirmation of the Debtors' proposed Modified Chapter 13 Plan, ECF # 99, on the following grounds:

1) Debtors' proposed Modified Chapter 13 Plan includes this mortgage loan with Wells Fargo. However, *stay relief was granted as to this mortgage loan pursuant to the Order Vacating Stay entered on May 12, 2021, ECF # 79*, on Creditor's Certification of Default, and therefore is not properly included in the Plan.

2) Even if Secured Creditor did not already have stay relief, the Debtors' proposed Modified Chapter 13 Plan does not provide for the payment of the full amount of the mortgage lien to Secured Creditor. Secured Creditor is owed a total debt in the amount of \$71,788.39 per Amended POC 13-2.

3) Even if Secured Creditor did not already have stay relief, the Debtors' proposed Modified Chapter 13 Plan does not provide for the Secured Creditor to receive distributions with a value equal to the allowed amount of its claims required by 11 U.S.C. 1325(a)(5)(B)(ii).

4) Even if Secured Creditor did not already have stay relief, the Debtors' proposed Modified Chapter 13 Plan provides for a potential loan modification offer with respect to this mortgage lien, but does not provide direction in the event this loan modification is not offered.

5) Even if Secured Creditor did not already have stay relief, the Debtors' proposed Modified Chapter 13 Plan does not conform with the ***Consent Order entered on November 23, 2020 at ECF # 64***, requiring Debtor to file a Modified Plan which fully pays off Secured Creditor's total debt of \$71,788.39 if a loan modification was not offered by March 1, 2021.

WHEREFORE, Wells Fargo Bank, N.A. respectfully requests that the Confirmation of Debtors' Modified Chapter 13 Plan be denied.

LOGS LEGAL GROUP LLP

By: /s/Elizabeth L. Wassall
Elizabeth L. Wassall, Esq.

Dated: 11-4-2021

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CERTIFICATION OF SERVICE

I, Linda Wright the undersigned

1. ☐ represent the _____ in the above-captioned matter.
☒ am the secretary/paralegal for Kathleen M. Magoon, Esquire and Elizabeth L. Wassall, Esquire, who represents the Secured Creditor in the above-captioned matter.
☐ am the _____ in the above case and am representing myself.
2. On 11/5/2021, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:
 - Notice of Objection to Confirmation
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Signature

Dated: 11/5/2021

/s/ Linda Wright

Printed Name

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Leonard Singer 36 Mountain View Blvd. Wayne, NJ 07470		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Marie-Ann Greenberg 30 Two Bridges Road Suite 330 Fairfield, NJ 07004		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Marc Robert Hueck and Caresse Patty Ann Hueck 38 Overlook Avenue Little Falls, NJ 07424		<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.